

Minutes of the Teleconference Meeting of the  
Arizona Game and Fish Commission  
Tuesday, January 4, 2005 – 1:00 p.m.  
Arizona State Fairgrounds – Wildlife Building  
McDowell and 17<sup>th</sup> Avenue  
Phoenix, Arizona

PRESENT: (Commission)

(Director's Staff)

Chairman Sue Chilton  
Commissioner W. Hays Gilstrap  
Commissioner Joe Melton  
Commissioner Michael M. Golightly  
Commissioner William H. McLean

Director Duane L. Shroufe  
Deputy Director Steve K. Ferrell  
Assistant Attorney General Jim Odenkirk  
Assistant Attorney General Shelley Cutts

Chairman Chilton called the meeting to order at 12:58 p.m.

1. Executive Session. The Commission may go into Executive Session for the purpose of consultation for legal advice with the Commission's Attorneys on two agenda items pursuant to A.R.S. § 38-431.03 (A) (3).

**Motion:** Gilstrap moved and Melton seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION.

**Vote:** Unanimous

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Meeting recessed at 1:00 p.m.

Meeting reconvened at 2:30 p.m.

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Chairman Chilton called the meeting to order at 2:30 p.m. The Commissioners introduced themselves and Chairman Chilton introduced the Director's staff. The meeting followed an agenda dated December 29, 2004.

2. Request to Approve a Notice of Final Rulemaking for Article 9, Arizona Wildlife Conservation Fund Grants.

**Presenter:** Carlos Ramirez, Rulewriter

At the February 13, 2004 meeting the Commission approved a Notice of Docket Opening to officially initiate rulemaking to establish rules to prescribe procedures for the Arizona Wildlife Conservation Fund Grants program. The Department held public meetings in July at the Department's Offices in Phoenix, Pinetop-Lakeside, Flagstaff, Kingman, Yuma, Tucson, and Mesa. A total of seven people attended to give comment. The Department also submitted the rulemaking to the Department's Assistant Attorney General for legal review and to the Governor's Regulatory Review Council (GRRC) for a courtesy review.

The Department incorporated public comments and non-substantive style and grammar changes suggested by the Assistant Attorney General and GRRC staff into a Notice of Proposed Rulemaking, which was submitted to the Secretary of State and published in the *Arizona Administrative Register*. The Department did not receive any additional public comments regarding the new Article 9.

The Department asked the Commission to vote and approve the Notice of Final Rulemaking and the accompanying Economic Impact Statement so that it may be placed on the GRRC agenda for March 1, 2005, for final approval. The Department anticipates that the new Article will become effective May 2, 2005, sixty days after final approval.

**Motion:** Gilstrap moved and McLean seconded THAT THE COMMISSION VOTE TO CLOSE THE RULEMAKING RECORD AND TO APPROVE A NOTICE OF FINAL RULEMAKING TO ESTABLISH ARTICLE 9, ARIZONA WILDLIFE CONSERVATION FUND GRANTS, AND TO PROMULGATE NEW RULES TO PRESCRIBE PROCEDURES FOR THE ARIZONA WILDLIFE CONSERVATION FUND GRANTS PROGRAM.

**Vote:** Unanimous

3. Request to Approve a Notice of Final Rulemaking to Amend Commission Rules to Require All Big Game Permit Applicants to Purchase a Hunting License to Apply for the Draw.

**Presenter:** Carlos Ramirez, Rulewriter

The Department requested that the Commission vote to approve a Notice of Final Rulemaking that will authorize the Department to require all big game permit applicants to purchase a hunting license to apply for the draw.

If approved by the Commission, the Notice of Final Rulemaking will be filed with GRRC to be approved at their March 1, 2005, meeting. The anticipated effective date for the rulemaking amendments is May 2005, which will be in time for the 2005 Fall Draw.

Commissioner McLean stated that the Commission has not yet been provided with the Attorney General's opinion and asked Mr. Odenkirk of the potential effect if a motion and decision was made today.

Mr. Odenkirk responded by saying that the matter is still under review at the Attorney General's Office. However, the Commission could proceed to take action on this proposed rule because of the option to file a later notice with GRRC to remove the rule, if the Attorney General's Office gave an opinion that would necessitate such an action.

**Motion:** Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO CLOSE THE RULEMAKING RECORD AND TO APPROVE A NOTICE OF FINAL RULEMAKING TO BE SUBMITTED TO GRRC TO AMEND COMMISSION RULES TO REQUIRE ALL BIG GAME PERMIT APPLICANTS TO PURCHASE A HUNTING LICENSE TO APPLY FOR THE DRAW.

Public Comment

Bruce Johnson addressed the Commission stating that these rules are all tied together in the issue of what to do to preserve resident hunt opportunities, and even though they are separate items, they have an impact on one another. There is another item, which is the loyalty bonus point, that requires a person to apply for a permit and buy a license for five years in a row in order to get the loyalty bonus point. Requiring people to buy a license probably discourages those who are not serious about getting permits to apply and therefore improves the odds for residents of getting drawn. That's probably the thought behind this rule, but almost every time something is done there is unintended consequences. In looking at this whole rule package, if people are required to buy licenses, who in the past have just applied for a permit without buying a license unless they are drawn, the number of people who are going to qualify for the loyalty bonus point will increase. Mr. Johnson is concerned that this whole package is so complex that it may not have been completely thought through.

Commissioner Golightly commented that in his mind the two are not tied together; buying a license in order to apply and the loyalty bonus point.

Chairman Chilton agreed and further stated that the Commission understands that more people will qualify for the loyalty bonus point and it is perfectly okay for people who support game management in this state to get their loyalty bonus point. Chairman Chilton has been in favor of people buying the license in order to apply for many years.

Commissioner Golightly commented that he wasn't sure if Mr. Johnson was for or against the rule and pointed to the Economic Impact Study that was provided to the public at the meeting to answer some of his questions.

Mr. Johnson clarified that he was not for or against the rule. His concern was how it was going to impact his opportunity to get drawn in the future. Mr. Johnson also stated that the economic impact was distinctly different from the hunter's opportunity to get drawn.

Mr. Ramirez interjected to comment that Mr. Johnson is correct in stating that the Economic Impact Statement should reflect what impact this will have on the Department's regulated community, but because all of these rulemakings were taken independently of one another, there cumulative effect was not captured in the Economic Impact Statement. In addition, Mr. Ramirez informed the Commission that if they go ahead with multiple rulemakings in this regard, number seven of the Economic Impact Statement states that there are alternate means of achieving the objectives. The objective in this case is to maintain resident hunting opportunity. If the Commission votes to approve several of these rulemakings, that last statement will be revised to state that in addition to this rulemaking there will be a couple others that are achieving the same objective.

**Vote:** Unanimous

4. Request to Approve a Notice of Final Rulemaking to Amend Commission Rules to Create a Set-Aside Percentage of Bighorn Hunt Permit-tags for Nonresidents.

**Presenter:** Carlos Ramirez, Rulewriter

The Department requested that the Commission vote to approve the Notice of Final Rulemaking to be submitted to GRRC to amend Commission rules to create a set-aside percentage of bighorn sheep hunt permit-tags for nonresidents. Under this rulemaking, the Department shall set aside an amount not greater than 15% of the total available bighorn sheep hunt permit-tags in any calendar year, rounded down to the nearest whole number, to be issued to nonresidents.

If approved by the Commission, the Notice of Final Rulemaking will be filed with GRRC to be approved at their March 1, 2005, meeting. The anticipated effective date for the rulemaking amendments is May 2005, which will be in time for the 2005 Fall Draw.

Mr. Ramirez clarified the difference between a cap and a set aside. Previously we had a 10% cap; 10% was available for nonresident hunters. Under the set aside, 15% is reserved for nonresidents. If nonresidents don't take advantage of the total number of hunt permit tags reserved for them, those unused tags will not be cycled back into the draw. Under the 10% percent, if nonresidents only took 8% of the tags then those remaining 2% tags would go back to resident hunters.

Chairman Chilton commented that this set aside only applied to big horn sheep and asked, for the benefit of the public, why it only applied to this species.

Mr. Odenkirk stated that big horn sheep have some unique aspects different from other species. In particular, the Department has reliable information to be able to determine historically what the resident and nonresident percentages were on these permits. This allows for more accuracy in determining what the nonresident impact has been on resident hunting opportunity.

**Motion:** Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO CLOSE THE RULEMAKING RECORD AND TO APPROVE A NOTICE OF FINAL RULEMAKING TO BE SUBMITTED TO GRRC TO AMEND COMMISSION RULES TO CREATE A SET-ASIDE PERCENTAGE OF BIGHORN SHEEP HUNT PERMIT-TAGS FOR NONRESIDENTS. UNDER THE PROPOSED RULEMAKING, THE COMMISSION WILL SET ASIDE AN AMOUNT NOT GREATER THAN 15% OF THE TOTAL AVAILABLE BIGHORN SHEEP HUNT PERMIT-TAGS IN ANY CALENDAR YEAR, ROUNDED DOWN TO THE NEAREST WHOLE NUMBER, TO BE ISSUED TO NONRESIDENTS.

**Vote:** Unanimous

5. Consideration of Rulemaking to Address the proposed Loyalty Bonus Point, the proposed Increase to the Bonus Point Pass Percentage for the Big Game Draw, and the proposed Creation of a Conservation Bonus Point The Commission will be asked to take action on one or more of the following options:

Commissioner Gilstrap suggested going to item 5.b. first.

**Presenter:** Carlos Ramirez, Rulewriter

Mr. Ramirez clarified that in regards to items 5a through 5c, if the Commission goes with 5a then 5b and 5c are eliminated; if they go with item 5b, then they go with item 5c as well.

b. Request to Approve a Notice of Final Rulemaking to Amend Commission Rules to 1) Create a "Loyalty Bonus Point," and 2) Increase the Bonus Point Pass Percentage for the Big Game Draw from 10% to 20%.

The Department requested that the Commission vote to allow the Department to 1) issue "loyalty bonus points" to those who apply for five consecutive years for hunt permit-tags, and 2) to increase the bonus point pass percentage for the big game draw from 10% to 20%.

If approved by the Commission, the Notice of Final Rulemaking will be filed with GRRC to be approved at their March 1, 2005, meeting. The anticipated effective date for the rulemaking amendments is May 2005, which will be in time for the 2005 Fall Draw.

**Motion:** Melton moved and McLean seconded THAT THE COMMISSION VOTE TO CLOSE THE RECORD REGARDING THESE TWO ITEMS.

Public Comment

Jack Simon commented that he had no concerns about the loyalty bonus point, but he did have concerns about increasing the bonus point pass percentage from 10% to 20%. His concern was that youth and others who do not have a large amount of bonus points will have their chances reduced of being drawn by 10%.

Commissioner Melton commented that the youth have been given special consideration with the junior hunts.

Commissioner Gilstrap commented that after a few years of 20%, those currently with numerous bonus points will be eliminated and the young people and those who have not accumulated numerous bonus points will have a better chance of being drawn.

Public Comment

Bruce Johnson addressed the Commission regarding the loyalty bonus point and asked if the Department has studied the impact of the loyalty bonus point of people who have accumulated bonus points over a period of many years.

Commissioner Golightly commented that the loyalty bonus point would help those who have accumulated numerous bonus points.

Mr. Johnson disagreed and requested information on Department studies and analysis.

Commissioner Gilstrap stated that Department members were taking notes to respond to any issues raised by Mr. Johnson.

Chairman Chilton stated that the Commission was very comfortable with the information that they have been supplied with as a basis for being able to make an informed decision on this subject. Mr. Johnson was thanked for his comments and questions and Chairman Chilton stated that his and other public input was appreciated. Also, as long as new and different issues were being raised and as long as they were just related to the loyalty bonus point and the bonus point pass, the Commission would be happy to continue. Chairman Chilton asked Mr. Johnson if he

had any new or different points he would like to make that were categorized and just related to the loyalty bonus point and the bonus point pass.

Mr. Johnson stated that the issue being considered by the Commission was whether to submit rule R124-107 to GRRC. That rule, entitled bonus point system, covers all of these issues, not just the loyalty bonus point and the 20% pass. There are changes to that rule involving the loyalty bonus point, the 20% pass, and the conservation bonus point. That's the rule the Commission has before them right now to consider whether or not to submit to GRRC. If the Commission decides to do that then they have taken action on all of those issues, not just loyalty bonus point and 20%, but also the wording in rule R124-107 for conservation bonus point.

Mr. Odenkirk stated that there was one Notice of Proposed Rulemaking filed that had changes to various rules. Included within that notice was a rule that established a conservation bonus point. The Commission could decide to amend the Notice of Proposed Rulemaking and only submit to GRRC that portion of the notice dealing with the loyalty bonus point and the bonus point pass and not submit to GRRC the portion that deals with the conservation bonus point.

Mr. Johnson continued by stating that he understood that you could submit without submitting rule R4124. In fact, that was what Mr. Johnson was advising and hoping the Commission would do. However, on the loyalty bonus point issue, it's tied up with the whole bonus point system.

Dana Yost, Executive Staff Assistant with the Department, stated that as part of the presentation at the August and September Commission meeting, the Department provided the Commission with a detailed analysis of the numbers of bonus points that individuals had for the various species for both residents and nonresidents; it was part of the discussion and it was part of what the Commission based their decision on.

Mr. Johnson stated that he was well aware of this information, but the question was how would the loyalty bonus point impact those hunters with various bonus points. Mr. Johnson requested data to show or validate that the loyalty bonus point will actually help those who have accumulated many bonus points, as previously stated by Commissioner Golightly that it would.

Mr. Yost stated that the analysis done by the Department determined that those individuals who would qualify for a loyalty bonus point would in fact get one additional random number for their application if they continue to put in for the draw. The analysis was done on the basis of looking at what the advantage would be for an individual for the loyalty bonus point. It was within the context of resident versus nonresident and the breakdown was by species detailing the advantage to maintain resident hunting opportunities. Further, Mr. Yost stated that the data Mr. Johnson was referring to may not be possible except in retrospect.

Commissioner Golightly clarified that the loyalty bonus point would only help if the applicant had five consecutive years; more than five years does not come into play. At five consecutive years it would help at that point because the applicant would receive an additional random number in the computer system.

Mr. Johnson continued by sharing with the Commission his own statistical analysis based on mathematics.

Commissioner Gilstrap pointed out that Mr. Johnson's analysis was good, however it was based on a finite number and the numbers are not finite, they change on an annual basis. The number of permits change constantly because the number of applications, permits, unit hunts, and species change on an annual basis.

Mr. Johnson wanted to note for the record that he was not allowed to complete his analysis for the Commission.

#### Public Comment

Mr. Koloszar addressed the Commission stating that he had also done a lot of study and was under the same opinion as Mr. Johnson. However, after further study of the Departments statistics, he concluded that you cannot approach it from the same viewpoint as Mr. Johnson.

Mr. Yost added one point for the record. A bonus point gives the applicant a random number and he only has one random number going into the draw. So if the applicant has fourteen bonus points in the initial part of the draw he gets fourteen random numbers and then the lowest one of those random numbers is what goes forward. The applicant doesn't have fourteen chances to draw, he has one chance to draw and it's based on what the random number is.

Commissioner Gilstrap commented on Mr. Johnson's statement that he was not allowed to complete his analysis for the Commission. If there was any new information in the analysis or on something else, the Commission would entertain that input.

Commissioner McLean commented that he has Mr. Johnson's analysis to read and that he doesn't need to have it read to him. Further, Commissioner McLean stated for the record that Mr. Johnson's analysis has been considered by him.

**Motion Restated:** Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO CLOSE THE RULE MAKING RECORD AND APPROVE THE NOTICE OF FINAL RULEMAKING TO AMEND COMMISSION RULES TO 1) CREATE A LOYALTY BONUS POINT AND 2) INCREASE THE BONUS POINT PASS PERCENTAGE FOR THE BIG GAME DRAW FROM 10% TO 20%.

**Vote:** Aye    Chilton, Gilstrap, Melton, McLean  
Nay    Golightly  
Passed 4 to 1

Commissioner Golightly commented that he was staying consistent with previous votes. He supports both actions, but feels a better job could have been done with the loyalty point; the youth and those with hunter safety should have been brought into it.

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Meeting recessed for a 5 minute break

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c. Notice of Docket Opening to Amend Commission Rules to Create a "Conservation Bonus Point."

The Department requested that the Commission vote to approve a Notice of Docket Opening to initiate rulemaking to address issues associated with the creation of a “conservation bonus point.”

If approved by the Commission, the Notice of Docket Opening will be filed with the Secretary of State. The Department anticipates that this rulemaking will be effective by September 2005.

**Motion:** Melton moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE A NOTICE OF DOCKET OPENING TO INITIATE RULEMAKING TO ADDRESS ISSUES ASSOCIATED WITH THE CREATION OF A “CONSERVATION BONUS POINT.”

#### Public Comment

Bruce Johnson addressed the Commission and asked if the Commission voted to approve 5c does that negates any desire to approve 5a.

Mr. Odenkirk stated that the agenda was set up to give the Commission a variety of options. These options conflict with one another, so to choose option 5c would conflict with 5a. It is the intent that if the Commission selects 5c they would be initiating a new rulemaking process on the conservation bonus point rule and not submitting the rule with the remaining package that has already been approved.

Commissioner Melton asked about the time frame and if it could be done by the hunt date.

Mr. Yost gave input regarding Commissioner Melton’s question by stating that at the December Commission Meeting, the direction received from the Commission was to delay the effective date for the conservation bonus point to July 1; that was based on public input. So that would preclude it being effective for the fall 2005 draw. Initiating a docket opening on this process and basically restarting the process would put this on a different timeline; probably for an effective date in the late October time period. Under either scenario this would still not have been in place for fall 2005.

**Vote:** Unanimous

#### 6. Consideration of Legislation for an Increase to the Statutory Ceiling for License and Permit-tag Fees and for the Creation of a New Series of Hunting, Fishing, and Combination License Packages and their Corresponding Fees.

**Presenter:** Tony Guiles, Legislative Liaison

At the December Commission Meeting the Commission directed the Department to come back with a recommendation on four items regarding the license fee proposal.

The first issue was the family hunting license; we looked at the revenue impact on that and it would not have significant impact to the Department. We structured it similar to the family fishing license, which is 100% for the first individual, 80% for the second adult, and then the Department is recommending a \$15 fee for each additional child.



The second issue was deer archery and deer muzzle loader hunts in regards to the premium hunts. The Department is recommending that the Commission establish in statute, a cap and some clarification that the Commission would be able to establish archery and muzzleloader hunts at a separate price if they so wish to. This would give the Commission the flexibility to say we're going to have an archery hunt in unit X and it's going to cost X amount as long as it's underneath that cap.

Commissioner McLean clarified with Mr. Guiles that within the range of the cap there could be multiple permit tag fees on different hunts depending upon the Commission's analysis of the value of those hunts; and that it would not be done by Commission Order on a yearly basis, but would be done by the rule making process, which is a long process that includes public input.

Commissioner Melton commented on the concerns of the Yuma Valley Rod and Gun Club and wanted to know if there would be any opportunity to adjust the cap for some areas where the cap may be to high.

Mr. Guiles stated that the Department was looking for recommendations to establish the caps today in order to draft the legislation. The legislative session opens on Monday, so unless the Commission would meet after the meeting with the Yuma Valley Rod and Gun Club to establish a different cap, then the answer would be no.

After further discussion it was clarified that the legislation could be redefined as it goes through the process. The Yuma Valley Rod and Gun Club would have plenty of opportunity to have input and that this was just the starting place to begin drafting the legislation.

Chairman Chilton commented on the premium hunts stating that the average Arizona hunter should not be priced out of certain hunts because they are called premium. Further Chairman Chilton supports raising the out of state fees to the point where they are commensurate with what other states charge for similar hunt opportunities. The public needs to understand that these fees were generated by averaging the fees of other western states. Also, the caps will not be reached for years; it will depend based on different biological and environmental situations.

Chairman Chilton continued by requesting the Department to look at the subject of premium hunts from the viewpoint of how to continue to maintain Arizona opportunity while charging a decent market rate, especially to nonresidents, and opening the door of opportunity to people who may not be able to afford the high dollar premium hunts.

Mr. Guiles stated that it would be up to the discretion of the Commission to set and describe those hunts and this would allow the Commission that flexibility. This would also give the Department the flexibility to not have to go down to the legislature every two to three years before the cap is reached.

The third issue was in regards to elk and the Department's recommendation for elk is the same as for deer.

The fourth issue was in regards to youth pricing. The current proposed legislation would allow the Commission the flexibility to establish a separate youth fee structure.

Dana Yost addressed the Commission and commented on the nonresident ranking in the west. The Department analyzed the various rankings on where we stood in the west for various species and that was part of the consideration for setting the prices. Also considered was the value of the Arizona resource and what the future would hold. In some cases the proposed caps are at the top in the west and the thing to understand is that this is a comparison with other states as there pricing exists today. If you look at the ranking for the cap versus today's actual charging price, for example in Nevada, it would seem skewed but in fact it is not, it is a projection for sometime in the future.

**Motion:** McLean moved and Gilstrap seconded THAT THE COMMISSION DIRECT THE DEPARTMENT TO DRAFT LEGISLATION TO ESTABLISH THE FAMILY HUNTING AND COMBINATION LICENSE AND FEE STRUCTURE; AND THAT THE COMMISSION ESTABLISH IN STATUTE A CAP AND CLARIFICATION THAT THE COMMISSION WOULD BE ABLE TO ESTABLISH DEER AND ELK ARCHERY AND DEER AND ELK MUZZLE LOADER HUNTS AT A SEPARATE PRICE IF THEY SO CHOOSE.

#### Public Comment

Bruce Johnson addressed the Commission to confirm that the increases would happen as part of a rule making procedure.

Chairman Chilton stated that this authorizes a ceiling and that under that ceiling it would move incrementally and the public would have input as part of the rule making procedure.

#### Public Comment

Jack Simon commented that he has supported every increase the Department has pursued since 1981, but with the numbers seen in this one, he is not able to support it. Most of the increases are in excess of 50% and many of them are premium tags with 100% increase; many families will be priced out of hunting. Mr. Simon requested that the Commission reconsider the amount of the caps, especially for resident hunters.

Commissioner Golightly pointed out the prioritized list of expenditures that the fee increase would be used for, in particular, employee salaries. The last fee increase implemented was the final version of a three-year increase implemented in 1998. That fee increase was for maintenance and now money is needed for employees. The Commission would really like to work with the different groups and the public to gain their support. We need to determine the cap and alter it as we work through it with the various groups and determine what it will take to make this work.

Mr. Simon clarified that he is representing himself and not a group. He understands that the Department needs to be funded properly, but one, the amounts of the caps needed to be such that they can get passed the legislature, and two, families are saying that they cannot afford to hunt at those prices. There was also some concern with sportsman about how these prices were going to be phased in and how quickly they would be phased in.

Commissioner Gilstrap commented that we are working with several moving targets on developing this package. One is how we can work to protect our Arizona hunter and how we can work to support our present and future budget; for the last few years we have only done the

minimum. This is a quality Department with quality staff people who need to have a quality operation, and you as a member of the State of Arizona deserve to have a wildlife program in relationship to what our natural resources will support. In order to accomplish those things, maybe this time it's a little higher, but we also have to have a correlation between our nonresident and our resident fees so we can support those in court. It's not as simple as saying that it's too high.

Commissioner McLean referred to the meeting in Flagstaff where the Commission first began discussing fee increases. One of the things discussed was that it was the desire of the Commission to not just move everything up but to do some smart pricing. The Commission is saying that they believe they need to move these proposals forward and they would like the support, discussion, and input of the various groups.

#### Public Comment

Jack Simon clarified that he does not support the way the fee increase is written right now, but that's not saying that he does not support increases in fees, and he has in the past. Mr. Simon stated that, as the increase is written, it will not pass through the legislature. The Department needs the support of sportsman groups in order to get a pay increase passed, but if the caps are too high the Department will not get that support. Mr. Simon urged the Commission to reduce the caps and give the sportsman groups some assurance that the increases will take place over a period of years.

Chairman Chilton commented that the Commission does not want to price anyone out of hunting. The dilemma is that you cannot just raise out of state rates. There is currently the threat of a lawsuit due to an opinion that Arizona's out of state fees are not in sync with in state fees. So the Commission is being pulled in two different directions, by residents and by non-residents. The Commission is very sensitive to residents and the needs of wildlife.

#### Public Comment

Pete Cimellaro addressed the Commission and commented that when you look at the fee structure it's very high, however, it correlates with the quality of hunting in Arizona. Mr. Cimellaro has spoken to many sportsmen and sportsmen organizations. It's understood how difficult the agency has it in meeting it's obligations and a lot of that is financial. The sportsmen are once again ready to step up and make things happen for the Department and ensure that they have the funds necessary to fulfill it's mission. Mr. Cimellaro pointed out that the Department has not met some of the caps that were put in place years ago. That is a reflection of how reluctant the Commission has been to raise those caps unless it was absolutely necessary.

**Vote:** Unanimous

#### 7. State and Federal Legislation.

**Presenter:** Tony Guiles, Legislative Liaison

This is an annual recommendation that the Commission makes in designating legislative representatives of the Commission who can make decisions on behalf of the Commission if time is of the essence and a quick decision needs to be made regarding legislation.

**Motion:** Melton moved and McLean seconded THAT COMMISSIONER GILSTRAP AND COMMISSIONER GOLIGHTLY REPRESENT THE COMMISSION IN MAKING DECISIONS ON BEHALF OF THE COMMISSION IF TIME IS OF THE ESSENCE AND A QUICK DECISION NEEDS TO BE MADE REGARDING LEGISLATION.

**Vote:** Unanimous

8. Consideration of the Request From the Arizona Antelope Foundation for a Counter Proposal to the Terms for Sponsorship for the Antelope Special Big Game Hunt License-Tags for 2005-2006.

**Presenter:** Brian Wakeling, Big Game Supervisor

The Arizona Game and Fish Commission voted on December 11, 2004 to award the two Antelope Special Big Game Hunt License-Tags for 2005-2006 to the Arizona Antelope Foundation. The Commission awarded the two tags with the stipulation that one tag would be auctioned at the Arizona Antelope Foundation fundraiser banquet and the strong urging that Arizona Antelope Foundation consider raffling the second tag. The Arizona Antelope Foundation submitted a letter requesting that the Commission reconsider the stipulations associated with the award so that they might market the tags in other venues.

**Public Comment**

Jim Unmacht, President of the Arizona Antelope Foundation, thanked the Commission for awarding the special tags. Originally AAF asked to auction the two tags versus raffle and at this point in time, it is late to do a raffle and AAF is not prepared to do a raffle. AAF would like the stipulation lifted regarding the tag designated to be auctioned at the AAF Banquet because the banquet is August 6 and the hunting season for the tag begins on August 1. Historically, those buying the tag at the auction prefer to do so many months in advance for planning purposes. The August 6 date was selected due to no options for a hall. The AAF has had great success in the past 11 years in auctioning these tags.

Commissioner McLean commented that he made the motion that was within the proposal that was made buy AAF, which proposed that they either auction the tags within their own organization or some other organization. At the time of that discussion at the December Commission meeting, there was discussion with the representative of AAF, and it was clearly discussed, that we had give and take. In fact, Mr. Laird proposed that the raffling of the tag be a strong suggestion and not an immovable set of rules for AAF to follow. Commissioner McLean thought it was clear that if AAF couldn't raffle a tag, they could auction it. Also, it was made clear that AAF would auction at least one of these tags at their own fundraiser.

Commissioner McLean went on to state some history regarding his association with AAF. He was on the Board of Directors of SCI when they first established themselves and came before the Commission to apply for tags. That year AAF was unsuccessful in obtaining its 501C prior to the time the tags were to be awarded. SCI asked that those tags be awarded to them with the understanding that those tags would be given to AAF to market in their name. When AAF decided to be a non-fundraising but working organization, SCI was not happy about the fact that SCI had stood up for AAF and then AAF turned around and gave those tags to other

organizations. Later, when Commission McLean served as AAF's president, it was discussed that AAF had to stand on it's own feet in regards to these tags and other fundraising activities as well as doing other on the ground projects. When Commissioner McLean left AAF there was strong discussion, and the year before last and last year there was significant public discussion, about the fact that it appeared that AAF was just acting as a front organization for other sportsman organizations in Arizona. There was a great deal of criticism that AAF was deciding who would get and have the honor of marketing these tags as opposed to the Commission making that decision. Commissioner McLean thought it was absolutely clear that AAF needed to market those tags themselves.

Mr. Unmacht stated that he had no recollection of the Commission directing AAF to auction through their own banquet. It was talked about, but the word "consider" was used because a date had not yet been set and when they went to set a date it wasn't going to match with the season. Ideally, it would make sense for AAF to auction the antelope tag, but it didn't work out with the way the dates fell this year.

Commissioner Gilstrap commented that part of the Commission's criteria in awarding these tags is species specific and the critical criteria is the ability to generate funds. We are entrusted with property of the State of Arizona and we need to make our decisions based on maximizing the utilization of state assets.

Commissioner Melton commented that at this point in time the Commission needed to support AAF's proposal as stated in their letter dated December 20, 2004.

**Motion:** Melton moved and Gilstrap seconded THAT THE COMMISSION RECONSIDER THEIR DECEMBER 2004 MOTION AND REMOVE THE SUGGESTED PARAMETERS TIED TO THE ISSUANCE OF THE SPECIAL TAGS GRANTED TO THE ARIZONA ANTELOPE FOUNDATION, WHICH WOULD ALLOW ONE TAG TO BE AUCTIONED AT THE ARIZONA DESERT BIGHORN SHEEP SOCIETY BANQUET ON FEBRUARY 26, 2005 AND ONE TAG TO BE AUCTIONED AT THE ARIZONA ELK SOCIETY BANQUET ON MARCH 26, 2005.

**Vote:** Aye Chilton, Gilstrap, Melton, Golightly  
Passed 4 to 0

Commissioner McLean abstained from voting because although he believes it's necessary, due to delays caused in part by AAF, that alternative arrangements be made, he could not support them at this time.

**Motion:** Melton moved and Gilstrap seconded THAT THE MEETING ADJOURN.

**Vote:** Unanimous

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Meeting adjourned at 4:00 p.m.

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Sue Chilton, Chairman

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W. Hays Gilstrap, Member

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Joe Melton, Member

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Michael M. Golightly, Member

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William H. McLean, Member

ATTEST:

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Duane L. Shroufe  
Secretary and Director